IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**WRIT PETITION NO : 961 of 1993**

Between:

1 M/s T.Stanes and Company Limited A Company

incorporated under the companies Act.
having its Regd. Office, at 8/23-24 race course road,

Coimbatore.

2 Dr.S.Ramarethinam S/o.S.R.Santhanam
R/o.1623, Trichy Road Coimbatore - 641 018.

3 Mr.S.R.Viswanathan S/o.S.N.Ramaswamy
R/o.28, Govinda Singh Road, R.S.Puram, Coimbatore.

**..... PETITIONER(S)**

AND

1 Union of India rep. by its Secretary
Food and Agriculture Department Central Secretariat

Buildings, New Delhi.

2 Government of A.P., rep. by its Secretary
Food and Agriculture Department Secretariat , Hyderabad.

3 The Joint Director of Agriculture Krishna District

at Machilipatnam

4 The Inspector of Police Vigilence Cell,
Civil Supplies Department, Vijayawada, Krishna Dist

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably one in the nature of certiorari calling for the records relating to case No.17-9/92-CFTO, Dt.9/10/92 and quashing the same as being violative of Art.20,21,14 19 and 300-A of the Constitution of India and consequently directing the respondents to forthwith recall, cancel and withdraw the FIR registered by the 4the respondent by staying all further proceedings including the arrest of the petitioners as being illegal and without jurisdiction and pass such other order.

**Counsel for the Petitioner: MR.P.VENUGOPAL**

**Counsel for the Respondent Nos. 2 to 4: GP FOR AGRICULTURE**

**The Court Made the Following :**

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**ORDER**:

The petitioner in the instant writ petition prays for issuance of a writ of *certiorari*

calling for the records relating to case No.17-9/92 – CFTO, dated 09-10-1992, and quash the same as being violative of Articles 20, 21 and 14 of the Constitution of India. The petitioner also prays for a consequential direction directing the respondents to forthwith recall, cancel and withdraw the first information report registered by the 4th respondent.

The petitioner-company manufactures what is called as "Mixture of Micronutrient Fertilisers" with brand name of "Stanes Microfood". It is aggrieved by the action initiated by the 4th respondent herein in registering Crime No.92/92 on the strength of the report submitted by the Analyst on 24-07-1992.

The case of the petitioner is that under Clause – 27 of the Fertilisers Control Order, the State is entitled to appoint a person as Inspector defining and limiting the local area within which the Inspector shall exercise his jurisdiction so as to see that the provisions of the order are complied with. The Government of Andhra Pradesh issued G.O. Ms. No.1029, dated 24-07-1992, prescribing the standards. Until the said notification was issued by the State Government, there were no standards prescribed under Clause 13 of the Fertilisers Control Order. The Central Government in the notification, dated 06-10-1987, appointed officers working in the Central Fertilisers Quality Control and Training Institute as Fertilisers Inspectors. In terms of the said appointment, one Inspector by name P. Sukhla, has drawn sample of the product of the petitioner-company on 27-05-1992 from the Company's distributor by name M/s. Triveni Fertilisers Company situated at Gudiwada. The said sample was drawn prior to the fixation of the standards by the State Government.

It is under those circumstances, the petitioner submits that no case could have been registered against the petitioner herein on the strength of the report submitted by the Analyst that the fertilisers manufacturing by the petitioner-company was not upto the standard. In the absence of prescription of any standards by the State Government as is required, no case could have been

registered against the petitioner-company is the submission.

This Court by an order, dated 02-02-1993, having directed *rule nisi* to be issued also granted stay of prosecution of the petitioner-company. So far, no counter affidavit has been filed by the respondents denying the averments made in the affidavit filed in support of the writ petition. The averments remain uncontroverted.

In the absence of prescription of standards by the State Government as on the date when the sample was drawn, no prosecution could have been initiated against the petitioner-company, on the ground that it failed to maintain the standards.

For the aforesaid reasons, the first information report lodged against the petitioner-company is quashed.

Accordingly the writ petition is allowed. No order as to costs.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1. The Secretary, Union of India, Food and Agriculture Department Central Secretariat Buildings, New Delhi.
2. The Secretary, Food and Agriculture department, Secretariat, Government of A.P. Hyderabad.
3. The Joint Director of Agriculture, Krishna District at Machilipatnam.
4. The Inspector of Police Vigilence Cell, Civil Supplies Department, Vijayawada, Krishna District.
5. 2 CCs to G.P. for Agriculture, High of A.P. High Court Buildings, Hyderabad.

6. 2 CD copies.